

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation**

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**This Document Relates To:**

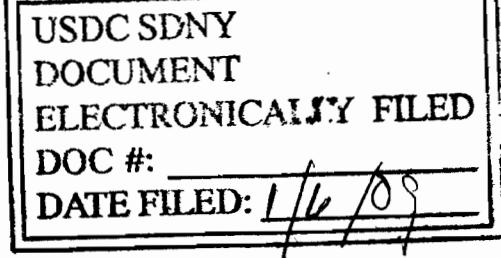
*Town of Duxbury, et al. v. Amerada Hess Corp., et al.*, Case No. 04-CV-1725

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Master File No. 1:00-1989

MDL 1358 (SAS)

M21-88



**STIPULATION AND ORDER OF DISMISSAL UNDER FED. R. CIV. P. 41**

The Plaintiffs and the settling defendants, Giant Industries, Inc., Western Refining, Inc., Western Refining Yorktown, Inc. formerly known as Giant Yorktown, Inc., Western Refining Company, L.P., and Western Refining Southwest, Inc., formerly known as Giant Industries Arizona, Inc. and formerly doing business as Giant Refining Company ("Settling Defendants"), have advised the Court that they have resolved the matters between them and agreed to the entry  
In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation of this Stipulated Order of Dismissal of the claims against the Settling Defendants identified above, as indicated by the signatures of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered, with the findings included below.

Doc. 2215

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the Parties to this Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement, a Release, and this Stipulated Order of Dismissal.

2. The parties to this Stipulation consent to the dismissal of this action as to Settling Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own costs and attorneys' fees.

Date: 1/4/09

SO ORDERED:

  
\_\_\_\_\_  
Judge \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

AGREED TO AND ACCEPTED BY:

  
\_\_\_\_\_  
Cary L. McDougal  
Scott Summy  
Carla M. Burke  
BARON & BUDD, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, TX 75219-4281  
Telephone: 214-523-6267  
Facsimile: 214-520-1181  
cmcdougal@baronbudd.com  
ssummy@baronbudd.com  
cburke@baronbudd.com

Robert J. Gordon  
Robin L. Greenwald  
WEITZ & LUXENBERG, P.C.  
180 Maiden Lane, 17<sup>th</sup> Floor  
New York, NY 10038-4925  
Telephone: 212-558-5505  
Facsimile: 212-558-5500  
rgordon@weitzlux.com  
rgreenwald@weitzlux.com

*Attorneys for Plaintiffs*

  
\_\_\_\_\_  
Robert F. Redmond, Jr.  
Clement D. Carter  
Gray B. Broughton  
WILLIAMS MULLEN  
1021 E. Cary Street  
Richmond, VA 23219  
Telephone: 804-783-6931  
Facsimile: 804-783-6507  
rredmond@williamsmullen.com  
ccarter@williamsmullen.com  
gbroughton@williamsmullen.com

*Attorneys on behalf of Settling Defendants*